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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,447	07/26/2006	Gunnar Anton Ornskar	ORDA0101PUSA	1274
22045	7590	09/11/2008	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			KIM, SANG K	
			ART UNIT	PAPER NUMBER
			3654	
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			09/11/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/597,447	ORNSKAR, GUNNAR ANTON	
	<b>Examiner</b>	<b>Art Unit</b>	
	SANG KIM	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on Pre-amdt. 7/26/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/17/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Norway on 1/26/04. It is noted, however, that applicant has not filed a certified copy of the 20040340 application as required by 35 U.S.C. 119(b).

***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "3" has been used to designate both a cylindrical core and torous; reference number "3, 5, 15, 16" are designed as snap lock, groove, spool., etc. throughout the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference number 16, g, lock tongue or snap locks. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to

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avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

### ***Claim Objections***

Claim 17 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. How does claim 17 further limit claim 16? Claim 16 recites all the structural elements recited in claim 17.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-18 are indefinite and vague. Some of the examples are listed below.

Claim 1 recites the limitation "the assembled unit" in line 7.

Claim 1 recites "a cabling spool" in line 10, which is double inclusion. Is applicant referring to a different cabling spool?

Claim 2 recites the limitation "the rotational axle" in line 5.

Claim 4 recites "origo" in line 4. What constitutes the term, "origo?"

Claim 5 recites "a cable" in line 3, which is double inclusion. Is applicant referring to another set of different cable?

There are insufficient antecedent basis for the limitations in the claims above.

The claims are replete with improper antecedent basis and double inclusion.

Applicant is advised to check rest of the claims for correction.

In claim 15, line 3, the phrase, "spool lid and/or the second spool lid," is indefinite and vague. Examiner cannot determine whether the features stated above are inclusive together or exclusive in alternative form.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Wagter et al., U.S. Patent No. 6065709.

Regarding to claims 1 and 16-17, Wagter '709 discloses a cabling spool with a first spool lid 10 and a first wing half (a left portion of 12), a second spool lid 11 and a second wind half (a right portion of 12), said wing halves 12 [can be] joined together to form a cylindrical core (see figure 1c), with side flanges (portion of the housing) supporting a spooled cable, see figures 1a-c.

It has been held that the recitation that an element is “may be, may, or can be” performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138.

Regarding claims 2-6, Wagter '709 discloses, each lid 10, 11 has curved portion with each axis rotatable relative to each other, and has recess (recess of the housing), see figures 1a-c.

Regarding claims 7-8, Wagter '709 discloses that the connection of the two parts 10, 11 can be made by a snap fit joint, see column 4, lines 19-21.

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagter et al., U.S. Patent No. 6065709, in view of Marsden, U.S. Patent No. 7032854 B2.

Wagter '709 discloses the two spool lids 10, 11 engaging each other, but does not explicitly explain how the lids are fastened together.

Marsden '854 discloses a tongue 38 to provide a snap lock feature between the lids 14, 16, and use the lids as suitable spool handles, see figure 2.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Wagter '709 with a snap lock feature to the lids as taught by Marsden '854, to show that there are many different ways to fasten the lids together.

Claims 10-11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagter et al., U.S. Patent No. 6065709, in view of Osborne, U.S. Patent No. 2677510.

Regarding claims 10-11, Wagter '709 discloses the two spool lids 10, 11 engaging each other with a portion 14, which can be used to hold the cable.

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Osborne '510 discloses two corresponding wing halves 7 with an external cabling lock 9, see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Wagter '709 with an external cabling lock as taught by Osborne '510, to show that there are many different ways to fasten the cable.

Regarding claim 18, as stated above, Wagter '709 in view of Osborne '510 discloses the claimed invention except for two cabling locks. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add additional lock to the references stated above, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagter et al., U.S. Patent No. 6065709.

Wagter '709 recognizes that the housing 1 may be of any shape, see column 4, lines 3-7.

It would have been obvious to make the apparatus of Wagter '709 with a s-shaped as claimed by the applicant, as a choice of design consistent with typical spool for this type of device.



Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagter et al., U.S. Patent No. 6065709, in view of Bethea et al., U.S. Patent No. 7000863 B2.

Wagter '709 recognizes that the housing 1 may be of any shape, see column 4, lines 3-7.

Bethea '863 discloses reels 501, 502 with ventilation slots 506, see figure 5a.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Wagter '709 with ventilation slots as taught by Behtea '863, to show that there are many different ways to design the spool.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Thursday from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo, can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

9/9/08

/SANG KIM/

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